

Article - Criminal Law

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§10–112.

(a) (1) In this section the following words have the meanings indicated.

(2) “Department” means the Baltimore City Department of Housing and Community Development, or another department designated by the Mayor of Baltimore City.

(3) “Dumping site” means a location in Baltimore City that is:

(i) owned by the city or the State; and

(ii) identified by the Department as property that has been repeatedly used for the disposal of litter in violation of State law or a local law or ordinance.

(4) (i) “Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) “Owner” does not include:

1. a motor vehicle rental or leasing company; or

2. a holder of a special registration plate issued under Title 13, Subtitle 9, Part III of the Transportation Article.

(5) “Surveillance image” means an image recorded by a surveillance system:

(i) on:

1. a photograph;

2. a micrograph;

3. an electronic image;

4. videotape; or

5. any other medium;

(ii) showing the front or rear of a motor vehicle, and, on at least one image or portion of the tape, clearly identifying the registration plate number of the motor vehicle; and

(iii) showing an individual committing a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter.

(6) “Surveillance system” means a collection of one or more cameras located at a dumping site that produces a surveillance image.

(b) This section applies to a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter that occurs at a dumping site monitored by a surveillance system.

(c) The Department may:

(1) place surveillance systems at dumping sites; and

(2) use surveillance images to enforce the provisions of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter.

(d) (1) Unless the individual committing a violation received a citation from a police officer at the time of the violation, the owner of the vehicle used to commit the violation, or in accordance with subsection (g)(4) of this section, the individual committing the violation, is subject to a civil penalty if the violation and the motor vehicle used to commit the violation are recorded on a surveillance image by a surveillance system while the individual is committing a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter.

(2) A civil penalty under this subsection may not exceed \$1,000.

(3) For purposes of this section, the District Court, in consultation with the Department, shall prescribe:

(i) a uniform citation form consistent with subsection (e)(1) of this section and § 7–302 of the Courts Article; and

(ii) a civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(e) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, the Department shall mail to the owner liable under subsection (d) of this section a citation that shall include:

(i) the name and address of the registered owner of the vehicle;

(ii) the registration number of the motor vehicle involved in the violation;

(iii) the violation charged;

(iv) the location where the violation occurred;

(v) the date and time of the violation;

(vi) a copy of the surveillance image;

(vii) the amount of the civil penalty imposed and the date by which the civil penalty must be paid;

(viii) a signed statement by a duly authorized agent of the Department that, based on inspection of surveillance images, the motor vehicle was being used by an individual who was committing a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter;

(ix) a statement that surveillance images are evidence of a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter;

(x) information advising the person alleged to be liable under this section of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

(xi) information advising the person alleged to be liable under this section that failure to pay the civil penalty or to contest liability in a timely manner:

1. is an admission of liability;

2. may result in the refusal by the Motor Vehicle Administration to register the motor vehicle; and

3. may result in the suspension of the motor vehicle registration.

(2) The Department may mail a warning notice instead of a citation to the owner liable under subsection (d) of this section.

(3) Except as provided in subsection (g)(4) of this section, the Department may not mail a citation to a person who is not an owner.

(4) Except as provided in subsection (g)(4) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation.

(5) A person who receives a citation under paragraph (1) of this subsection may:

(i) pay the civil penalty, in accordance with the instructions on the citation, directly to Baltimore City; or

(ii) elect to stand trial in the District Court for the alleged violation.

(f) (1) A certificate alleging that a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter occurred, sworn to or affirmed by a duly authorized agent of the Department, based on inspection of surveillance images produced by a surveillance system, shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this section.

(2) Adjudication of liability shall be based on a preponderance of the evidence.

(g) (1) The District Court may consider in defense of a violation:

(i) subject to paragraph (2) of this subsection, that:

1. the motor vehicle was stolen before the violation occurred and was not under the control or possession of the owner at the time of the violation; or

2. the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;

(ii) subject to paragraph (3) of this subsection, evidence that the person named in the citation was not the person in the surveillance image committing the violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter; and

(iii) any other issues and evidence that the District Court deems pertinent.

(2) In order to assert a defense under paragraph (1)(i) of this subsection, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(3) In order to satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court evidence to the satisfaction of the court of the identity of the person in the surveillance image who was actually committing the violation, including, at a minimum, the person's name and current address.

(4) (i) If the District Court finds that the person named in the citation did not commit the violation or receives evidence under paragraph (3) of this subsection identifying the person who committed the violation, the clerk of the court shall provide the Department with a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, the Department may issue a citation as provided in subsection (e) of this section to the person that the evidence indicates committed the violation.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after the receipt of the evidence from the District Court.

(h) If the person named in the citation does not pay the civil penalty and does not contest the violation, the Motor Vehicle Administration may:

(1) refuse to register the motor vehicle cited in the violation; or

(2) suspend the registration of the motor vehicle cited in the violation.

(i) A violation for which a civil penalty is imposed under this section:

(1) may not be recorded by the Motor Vehicle Administration on the driving record of the owner or the driver of the motor vehicle; and

(2) may be treated as a parking violation for purposes of § 26–305 of the Transportation Article.

(j) In consultation with the Department, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.

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